

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DUSTIN FOCKLER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 1:05-cv-123
	)	
UNITED STATES MARSHAL SERVICE,	)	
	)	
Defendants.	)	

MOTION FOR EXTENSION OF TIME

NOW COMES, the Plaintiff, Dustin Fockler, and appearing pro se, and hereby moves this Court for an extension of time in which to file his responsive pleadings, and as grounds for granting same, the Plaintiff respectfully presents:

On February 17, 2006, the Plaintiff and his inmate assistant were finalizing the pleadings for mailing to this court, using the "mailbox rule." When said pleadings were confiscated by Senior Officer J. Chappell confiscated said materials from the inmate assisting Plaintiff in this manner. The documents where then turned over to the activities lieutenant and then forwarded to the property officer who has not yet returned said materials.

This is in violation of Bureau policy. Program Statement 1315.07 page 11, para. f(1). Moreover, inmates have a right to assist each other in the preparation of legal materials when the institution does not provide an adequate alternative. see e.g., Wade v. Kane, 448 F.Supp. 678, 684 (E.D.Pa. 1978) aff'd, 591 F.3d 1338 (3d Cir. 1979); see also Rhodes v. Robinson, 612 F.2d 766, 769 (3d Cir. 1979).

Therefore, Plaintiff respectfully moves this Court to grant him an extension of time while he pursues informal remedies, and if necessary, administrative remedies, in order to obtain his legal work back.

WHEREFORE, facts and premises considered, the Plaintiff respectfully moves this Court to grant this motion as moved. Plaintiff will submit the documents to this Court immediately upon retrieval from authorities.

Dated: January 18, 2006

Respectfully submitted:

Dustin Fockler

Dustin Fockler  
Reg. No. 11376-040  
FCI McKean  
P.O. Box 8000  
Bradford, PA. 16701-0980

CERTIFICATE OF SERVICE

I do hereby certify that on this the 18th day of January, 2006, that I placed in the U.S. Mail, first-class postage prepaid, a true and correct copy of this pleading for service to counsel for the Defendant.

Dustin Fockler

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